T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:	••		18-Jun-08	APPL. S. N:	10800073			
To Exam	iner:		PHAN, HANH	Art Unit ,	2613			
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Ca Drop-Off Location	se JEF-2D68			
SUBJEC	T: Decisio	on on Terminal	Disclaimer(T.D.) filed:					
form par or have a	agraphs i anv quest	dentified by the	is informal memo in your next se me or the Special Program [Office action to notify applice Examiner. THIS IS AN INFOR	you agree, please use the appropriate ant of the T.D. If you disagree MAL, INTERNAL MEMO ONLY. ON FILE. When your action is complete			
please in	itial, date	and return th	is memo to me. THANK YOU.					
<u>v</u>	The T.D.	is PROPER an	d has been recorded (see 14.2	3).				
匚	The T.D.	is NOT PROPE	R and has not been accepted f	for the reason(s) checked bel	low (see 14.24):			
		The TD fee of use of a depo	· · · · · · · · · · · · · · · · · · ·	ted nor is there any authoriz	ation in the application file for the			
		The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).						
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
		The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
		The person who signed the T.D.:						
		is no	ot an attorney "of record" (see	14.29 and 14.29.01).				
		T has	failed to state his/her capacity	to sign for the business enti	ty (see 14.28).			
		is no	ot recognized as an officer of th	he assignee (see 14.29 & pos	ssible 14.29.02).			
		No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).						
•		The T.D. is no	ot signed (see 14.26 & 14.26.0	3).				
		The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
			nber of this application (or the number of the patent in reexam or reissue cases being missing or incorrect (see 14.26, 14.27.02 or 14.26.05).					
		The period dis	sclaimed is incorrect or not spe	ecified (see 14.26, 14.27.02	or 14.26.03).			
		Other:			174			
			request refund (see 14.36). Neck this item.	NOTE: If already authorized,	credit refund to deposit account			
I have a	opropriate	ely notified app	olicant(s) of the status of the T	erminal Disclaimer filed in th	is case.			
Ex.Initial	s:	Date	e:		Log Date:			

Application Number	Application/Control No.		Applicant(s)/Patent under Reexamination BANEY ET AL.					
Document Code - DISQ		Internal Do	cument – DC	NOT MAIL				
TERMINAL DISCLAIMER	⊠ APPROV			☐ DISAPPROVED				
Date Filed : May 19, 2008	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson		··						

U.S. Patent and Trademark Office

AGILENT TECHNOLOGIES, INC. Legal Department, DL429 Intellectual Property Administration P. O. Box 7599 Loveland, Colorado 80537-0599

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Douglas M. Baney, et al.

Serial No.: 10/800,073

Examiner: Hanh Phan

Filing Date: March 11, 2004

Group Art Unit: 2613

Title: A METHOD AND SYSTEM FOR SUPERHETERODYNE DETECTION OF AN OPTICAL INPUT SIGNAL

COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria VA 22313-1450

TERMINAL DISCLAIMER RESPONSIVE TO A DOUBLE PATENTING REJECTION

Sir:

Petitioner, Agilent Technologies Inc., is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer of prior Patent No. 7,265,849 to Agilent Technologies Inc., which issued on September 4, 2007 and is commonly owned by Applicant. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TERMINAL DISCLAIMER - DOUBLE PATENTING (continued)

ATTORNEY DOCKET NO. 10021233-1

Respectfully submitted,

Please charge the required fee set forth in 37 CFR 1.29(d) of \$130.00 to Deposit Account 50-1078. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 50-1078 pursuant to 37 CFR 1.25.

☐ I hereby certify that this correspondence is being deposited	Douglas M. Baney, et al.		
with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents,	By /Pamela Lau Kee/		
P.O. Box 1450, Alexandria VA 22313-1450.	Pamela Kee		
Date of Deposit:	Attorney/Agent for Applicant(s)		
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☐ I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents on the date shown below.	Date: May 19, 2008		
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